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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,909	08/22/2003	Yang-Ming Weng	13906 B	1608
36672	7590	09/30/2004	EXAMINER	
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET THIRD FLOOR NEW YORK, NY 10038			ASHLEY, BOYER DOLINGER	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,909	WENG, YANG-MING	
	Examiner	Art Unit	
	Boyer D. Ashley	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the reference character "33" in Figure 2 appears to be missing from the specification. Appropriate correction is required.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities:

In claim 1, the phrase "a base plate having a female die, at a lower end of the female die formed with a slit for defining a space for insertion of documents" is awkwardly worded. Better language would be "a base plate having a female die, a lower end of the female die is formed with a slit defining a space for insertion of documents". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee, U.S. Patent 6,089,137, in view of Barnett, U.S. Patent 5,307,824.

Lee discloses the same invention as claimed, for example, including: a base plate (35/36/48/40/440) having a female die (70), the lower end of the female die formed with a slit (between 42 and 44) defining a space capable of receiving documents; a

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male die (560) provided with a flange (562) at a top surface, a spring (78/580) mounted on the male die, the lower end of the die form with a punching portion (the lower end of punch); a cover (60) disposed on the base plate and provided with a hole at the front end of the cover (see Figure 1,324), and a punch hole (64/62) formed on the cover for engaging with the flange of the male die; a lever (10) including an engaging portion (16/33) connected with a push portion (14), the push portion with corresponding to the flange of the male die defined with an abutting portion for abutting against and driving the male die.

Lee lacks the alternative lever mechanism of a hook pin, with a notch, rib, and projections, for engaging in a hole of the cover with the hook portion protruding from cover; a spring compressively biased on the hook pin, wherein the engaging portion rotatable engaged in the hook portion of the hook pin. However, Bannett discloses that it is old and well known in the art to use hook pins, with notches, ribs, and projections, fitted in holes of covers for rotatable engaging levers, wherein the springs compressively bias the hooks pin for the purpose of providing a rotating and inexpensive punching device such that the lever folds down out of the way. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the hook pin/lever attachment for the lever attachment of Lee in order to provide an inexpensive lever that rotates to form a closed lever position.

As to claim 4, the modified device of Lee discloses an engaging portion (30) for engaging with a protective cover.

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As to claim 5, the modified device of Lee discloses an engaging portion (362/48) on the base plate for engaging with a bed die (48), the bed die includes a projection (the raised portion on the right of bed die 48) that protrudes into the slit (see Figure 3).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
September 24, 2004